

REMARKS

This responds to the Office Action dated May 26, 2006, and the references cited therewith.

Claims 1, 2 and 13 are amended, claims 14-23 are withdrawn, no claims are canceled, claims 24-33 are added; as a result, claims 1-33 are now pending in this application. Applicant respectfully submits claims 24-33 do not include new matter, and are supported by the specification.

Election

At this time Applicant makes no statement as to whether claims 14-23 are distinct from claims 1-13. Applicant reserves the right to petition the Office Action finding of distinctness in the future and/or file the withdrawn claims in continuations or divisionals.

§112 Rejection of the Claims

Claims 2 and 13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant appreciates the suggestion provided by the Examiner and has amended claims 2 and 13 accordingly. Applicant respectfully submits the amendments to claims 2 and 13 more clearly recite that which was already stated in the claims.

Reconsideration and allowance of claims 2 and 13 are respectfully requested.

§102 Rejection of the Claims

Claims 1, 2-6, 8 and 11-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Verness et al., (U.S. Patent No. 6,285,910).

Claims 1, 2-6 and 8

Applicant respectfully traverses the rejections of claims 1, 2-6 and 8 for at least the following reason. Applicant can not find in Verness, for example, at least one conductive sleeve disposed within the insulating layer, the at least one conductive sleeve surrounds the conductor, wherein the at least one conductive sleeve is electrically isolated from the electrode, the at least

one conductive sleeve has a first impedance value in a first condition, and the at least one conductive sleeve is adapted for electrical isolation from a surrounding environment in the first condition, as recited in claim 1. Claims 2-6 and 8 depend from claim 1 and thereby include all of its recitations.

Applicant respectfully traverses the Office Action statement at page 4, first paragraph, “The lead [of Verness] further has a conductive sleeve within the insulating layers that surrounds the conductor (see figure 15 and column 7, lines 57-61),” in so far as the statement fails to fully address the claimed recitations of claim 1. As stated above, Applicant respectfully submits Verness does not appear to teach, at least one conductive sleeve disposed within the insulating layer, the at least one conductive sleeve surrounds the conductor, wherein the at least one conductive sleeve is electrically isolated from the electrode, the at least one conductive sleeve has a first impedance value in a first condition, and the at least one conductive sleeve is adapted for electrical isolation from a surrounding environment in the first condition, as recited in claim 1. Instead, Applicant respectfully submits Verness states in the abstract, “The lead is provided with a coiled conductor . . . running from . . . the proximal end of the lead to an *electrode* at or near the distal end of the lead. In addition, the lead is provided with a stranded conductor which is *electrically coupled* to the coiled conductor at [a] point along the lead body.” (Emphasis added). Further, Verness states at column 5, lines 43-47, “Electrode 16 is coupled to a *coiled conductor 116 and 118* by means of an external crimping sleeve 224, which compresses conductor 118 against conductor 116 and compresses conductor 116 *against the proximal portion 220 of electrode 16.*” (Emphasis Added). Further still, Verness states at column 6, lines 14-19, “While FIGS. 6 and 7 show the *inter-connection of the stranded and coiled conductors at the tip electrode 16*, these conductors may instead be connected at a point proximal to the tip electrode, for example by use of a cross-bore crimp sleeve similar to sleeve 212 or by other types of welded, swaged or crimped connections as discussed above.” (Emphasis Added). Moreover, Verness states at column 7, lines 57-61, “FIG. 15 illustrates an alternative mechanism for *interconnecting a stranded conductor 412 with a coiled conductor 416*, both located within an internal lumen of lead body 410. *Conductive crimp sleeve 418* is crimped to coiled conductor 416 by crimps 420.” (Emphasis added).

Reconsideration and allowance of claims 1, 2-6 and 8 are respectfully requested.

Claims 11-13

Applicant respectfully traverses the rejections of claims 11-13 for at least the following reasons. Applicant can not find in Verness, for example, means for detecting wear of the insulating layer, wherein the means for detecting wear is disposed within the insulating layer, as recited in claim 11. Claims 12 and 13 depend from claim 11 and thereby include all of its recitations.

Additionally, Applicant respectfully submits claim 11 is a means plus function claim under 35 U.S.C. § 112, paragraph 6. MPEP § 2183 requires the Office Action to make a prima facie case of equivalence under 35 U.S.C. § 112, paragraph 6 including an explanation or a rationale as to why the disclosure of the cited reference is equivalent to the corresponding elements disclosed in the specification. The Office Action has not presented an explanation or a rationale as to why the disclosure of Verness is equivalent to the corresponding elements disclosed in the specification as required by the MPEP § 2183. Applicant respectfully submits that the cited reference does not appear to disclose an equivalent to the corresponding elements disclosed generally in the specification, for instance, Figures 3-12, and the associated written description.

Reconsideration and allowance of claims 11-13 are respectfully requested.

§103 Rejection of the Claims

Claims 2-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Verness et al., (U.S. Patent No. 6,285,910) in view of Jorgenson et al., (U.S. Patent No. 6,317,633).

Applicant respectfully traverses the rejections of claims 2-3 for at least the following reason. Claims 2-3 depend from claim 1 and thereby include all of the recitations of claim 1. Because claim 1 is allowable for at least the reasons provided above, Applicant respectfully submits claims 2-3 are allowable as dependent claims of claim 1.

Reconsideration and allowance of claims 2-3 are respectfully requested.

Claims 7, 9, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Verness et al., (U.S. Patent No. 6,285,910).

Applicant respectfully traverses the rejections of claims 7, 9 and 10 for at least the following reason. Claims 7, 9 and 10 depend from claim 1 and thereby include all of the recitations of claim 1. Because claim 1 is allowable for at least the reasons provided above, Applicant respectfully submits claims 7, 9 and 10 are allowable as dependent claims of claim 1.

Reconsideration and allowance of claims 7, 9 and 10 are respectfully requested.

Documents Cited But Not Relied Upon in this Office Action

Applicant has reviewed the references made of record and not relied upon, but does not find them to be any more relevant than the patents discussed in the Office Action. Because the references are not made part of the rejections of this Office Action, Applicant need not address the additional references at this time. Applicant reserves the right to further address any rejections therefrom.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ERIC FALBE HAMMILL ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

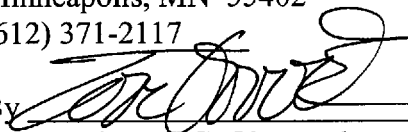
Minneapolis, MN 55402

(612) 371-2117

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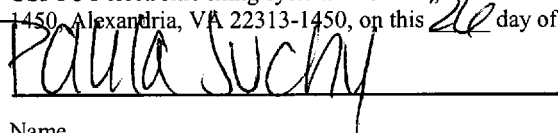


Thomas C. Obermark

Reg. No. 55,506

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20 day of September, 2006.

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